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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/616,791	07/10/2003	Aguinaldo Vicenza	17907	2005
26794	7590	12/18/2003	EXAMINER	
TYCO ELECTRONICS CORPORATION			GUSHI, ROSS N	
4550 NEW LINDEN HILL ROAD, SUITE 450			ART UNIT	PAPER NUMBER
WILMINGTON, DE 19808			2833	

DATE MAILED: 12/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary****Application No.**

10/616,791

**Applicant(s)**

VICENZA ET AL.

**Examiner**

Ross N. Gushi

**Art Unit**

2833

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_ 6) ☐ Other: \_\_\_\_

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-23 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Numerous details necessary for making or using the invention are not included in the specification or drawings or claims. For example, regarding the limitation (claims 1, 8, 15, 18) of "a plurality of connector modules," the disclosure does not show what these modules are in such a way as to enable one skilled in the art to even determine the basic structure of these components or how they relate to the frame 9 or wires. What is the structure of "connector modules" and how are they held in the frame? How are they "configured to electrically engage electrical wires?" The connector modules are completely indiscernible from the frame in the figures and are not described with any detail in the specification (see e.g. paragraphs 0018, 0020, 0025, 0027, 0028, where the modules are discussed without sufficient enabling disclosure as to their structure). For purposes of analysis, structures identical to those taught in the prior art are assumed.

Regarding claims 3, 10, the device including spacers positioned within said lower frame for locking said electrical wires was not described in the specification in

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such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. It cannot be determined from the disclosure what the "spacers" are. The term "spacers" is analyzed as meaning terminals known in the prior art.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in —

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a);

Claims 1, 3, 4, 5, 6, 8, 10, 11, 12, and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Borzi et al. ("Borzi").

Per claims 1 and 8, Borzi discloses an electrical fuse box comprising an upper frame (12, 14); a plurality of electrical components (col. 3, lines 30-40) pre-assembled within said upper frame; a lower frame (74, 86), wherein said lower frame is dimensioned and configured to engage said upper frame; a plurality of connector modules 56 pre-assembled within said lower frame, wherein said connector modules are dimensioned and configured to electrically engage electrical wires; an upper cover 16 mounted on said upper frame; and a lower cover 34 mounted on said lower frame.

Per claim 3, Borzi discloses terminals (col. 4, lines 11).

Per claim 4, said connector modules make an electrical connection with said electrical components.

Per claim 5, each of said upper frame and lower frame comprises at least one locking receiver (24, 96).

Per claim 6, each of said upper cover and said lower cover comprise a locking member (28, 94) dimensioned and configured to engage said locking receiver of said upper frame and said lower frame, respectively.

Claims 10, 11, 12, 13, are rejected for the reasons pertaining to claims 3, 4, 5, 6.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2 and 9, are rejected under 35 U.S.C. 103(a) as being unpatentable over Borzi as in claims 1 and 8.

Regarding claims 2 and 9, to the extent that Borzi lists components such as mini-fuses, maxi-fuses, relays or other electrical devices (col. 3, lines 30-40) but not J-case fuses, blade fuses, etc., at the time of the invention, it would have been obvious to include various well known electrical components, including those claimed, in the Borzi assembly. The suggestion or motivation for doing so would have been to control the

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electrical circuitry using well known components, such motivation being well known in the art.

Claims 7 and 14-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Borzi as in claims 1-6 and 8-13 in view of Lanquist. To the extent that the covers in Borzi are arguably not "pivotally mounted" (although it appears that the frames and covers are relatively pivotable with respect to each other around the latching parts 24, 28, 94, 96), Lanquist discloses covers 58, 46 pivotally mounted to frame 20 via elements 60, 59, 47, 48. At the time of the invention, it would have been obvious to pivotally mount the Borzi frames and covers as taught in Lanquist (such as by replacing the Borzi elements 94, 96, 24, 28 with pivotal engagement members such as Lanquist elements 60, 59, 47, 48. The suggestion or motivation for doing so would have been to better secure the covers to the frames and facilitate assembly as taught in Lanquist and as is well known in the art.

Regarding claims 18-22, the method of assembling the device as discussed regarding claims 1-17 would have been obvious at the time of the invention.

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ross Gushi whose telephone number is (703) 306-4508. If attempts to reach the examiner by phone are unsuccessful, the examiner's supervisor, Paula A. Bradley, can be reached at (703) 308-2319. The phone number for the Group's facsimile is (703) 872-9306.

